

THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26601 of 2005

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Dated:14.12.2005

Between:

Sk. Mahaboob Basha S/o. Late Sk. Hasan Saheb
R/o. 4/246, Nagarajupeta, Kadapa, and others.

..... PETITIONERS

AND

Commissioner, Municipal Corporation of Kadapa, Kadapa District, and
others.

.....RESPONDENTS

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WRIT PETITION No.26601 of 2005

ORDER:

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The petitioners are residents of Kadapa town. They are the owners of premises bearing different numbers at Kadapa. It appears that Kadapa Municipal Council passed a resolution proposing to widen the road. The petitioners allege that officials of first respondent came to the petitioners' property and marked a portion for demolition for the purpose of widening road. Therefore, placing reliance on the judgment of this Court in **P.Lakshmana Rao v. Executive Officer, Gram Panchayat** present Writ Petition is filed seeking a direction to the respondents not to demolish the petitioners' premises.

Learned Standing Counsel for Kadapa Municipal Corporation, Sri S.I.Newton, after getting instructions submits that pursuant to resolution of Kadapa Municipal Council, six committees were formed and the matter is under consideration. He further submits that the officials of the Kadapa Municipal Corporation have not visited the petitioners' premises nor any marking was made.

After considering the rival submissions, this Court is of considered opinion that the Writ Petition is filed on mere apprehension without there being any concrete steps taken by the Kadapa Municipal Corporation. However, if the land of the petitioners is to be acquired, the Corporation shall have to necessarily follow the procedure contemplated either under Section 146 or under Section 147 of the Hyderabad Municipal Corporations Act, 1955, which is applicable to Kadapa Municipal Corporation also.

The Writ Petition, with the above observations, is accordingly dismissed. No costs.

(V.V.S.RAO, J)

14.12.2005

Note: Issue C.C by tomorrow.

B/o.

vs